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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/926,766

05/22/2002

Hajime Kurosawa

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3012

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06/27/2006

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EXAMINER

SHANKAR, VIJAY

ART UNIT

PAPER NUMBER

2629

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/926,766

Applicant(s)

KUROSAWA ET AL.

Examiner

VIJAY SHANKAR

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Willner (5,790,103).

Regarding Claims 7-9, APA teaches a data input keyboard, comprising a key layout corresponding to a 101/104 English keyboard or a 106/109 Japanese keyboard adapted to include: a lowermost key array having a pair of left and right keys centrally juxtaposed in a home position for left and right thumbs of a user, one of the left and right keys being a key and the other one of the left and right keys being a SPACE key; a middle key array having an extreme right key being a BACKSPACE key; and an uppermost key array having an extreme right key being a key, the key, the SPACE key, the BACKSPACE key, and the key being a normal state of the keyboard without any key reassignment (See Figures 1-3 of the invention and Page 1, line 15- page 11, line 22 for prior art details).

However, APA does not teach a lowermost key array having a pair of left and right keys centrally juxtaposed in a home position for left and right thumbs of a user, one of the left and right keys being an ENTER/RETURN key and an uppermost key array having an extreme right key being a DELETE key, the ENTER/RETURN key, the SPACE key, the BACKSPACE key, and the DELETE key being a normal state of the keyboard without any key reassignment.

Willner teaches an ergonomic keyboard entry system and a lowermost key array having a pair of left and right keys centrally juxtaposed in a home position for left and right thumbs of a user, one of the left and right keys being an ENTER/RETURN key and an uppermost key array having an extreme right key being a DELETE key, the ENTER/RETURN key, the SPACE key, the BACKSPACE key, and the DELETE key being a normal state of the keyboard without any key reassignment.

Willner teaches the rearranging the keyboard by moving any keys to any desired location (Figures 1-5; Column 5, line 40- Col.12, line 66).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Willner into APA for providing the rearranging keyboard.

The difference between the prior arts figures 1-3 and the instant inventions is rearranging the some keys to provide better use of frequently use keys such as ENTER/RETURN key, the SPACE key, next to each other and both can be used with thumb. Also, it would be design choice to arrange the keyboard and provide the

keyboard in different design. Also, since it has been held that rearranging parts of the invention involves only routine skill in the art, *In re Japikse*, 86 USPQ 70.

***Response to Arguments***

4. Applicant's arguments filed 4-18-2006 have been fully considered but they are not persuasive.

Applicant argues that it would not be obvious to provide the rearranging keyboard.

The difference between the prior arts figures 1-3 and the instant inventions is rearranging the some keys to provide better use of frequently use keys such as ENTER/RETURN key, the SPACE key, next to each other and both can be used with thumb.

It would be **design choice** to arrange the keyboard and provide the keyboard in different design. Also, since it has been held that rearranging parts of the invention involves only routine skill in the art, *In re Japikse*, 86 USPQ 70.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIJAY SHANKAR  
Primary Examiner  
Art Unit 2673

VS